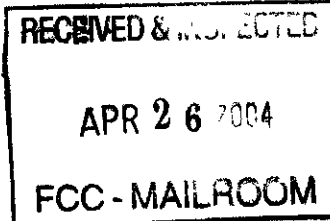




Educational Consortium for
Telecommunications Savings

DOCKET FILE COPY ORIGINAL



REQUEST FOR FCC REVIEW

April 22, 2004

Federal Communications Commission
Office of the Secretary
445 - 12th Street, SW
Washington, DC 20554

CC Docket No. 02-6

Request For FCC Review of SLD "Administrator's Decision on Appeal" Dated April 12, 2004

Funding Year: 2003-2004
Applicant Name: Warwick School District
Form 471 Number: 349955
Funding Request Number: 941821
Billed Entity Number: 125801
Contact Information: Dawn L. Belden
133 N. State Street
Newtown, PA 18940
Voice Number: 215-504-5457
Fax Number: 215-504-5047
e-mail: dbelden@e-rate-ects.org

Dear Reader:

This letter is being provided to the FCC on a timely basis to request that the FCC review the "Administrator's Decision on Appeal" dated April 12, 2004 and reinstate the full funding request for FRN #941821.

I am the contact person listed on 471 #349955 for Warwick School District and I am also representing them on this appeal. We are requesting that the decision to reduce the funding for this FRN be reversed and that the FRN be funded in full.

No. of Copies rec'd 0
List ABCDE

I filed an appeal with the SLD on behalf of the District on May 29, 2003. Included in this appeal were a copy of the item 21 attachment and also a copy of the invoice supporting our request. The appeal was approved with reduced funding on April 12, 2004.

The reason stated for reduction of the funding was "after thorough review of the appeal letter and relevant documentation, we reduce the funding request to reflect the recurring pre-discount amount of \$2252.46 as supported by the PenTeleData invoice dated February 1, 2003". I respectfully submit that there was an error in the review of the PenTeleData invoice and that this invoice does indeed support our original request for the monthly pre-discount amount of \$3205.

The PenTeleData invoice is split into three billing columns. The base amount column reflects the standard monthly charge for services provided. The discount amount column reflects the monthly amount that is currently being given as an E-Rate discount. The net amount column reflects the total cost after the applied E-Rate discount. Since the discount amount column reflects the E-Rate discount that the District is currently receiving each month for services from this provider, requests for future E-Rate funding must be based on the information provided in the base amount column of the invoice. The total of all of the eligible expenses in the base amount column is \$3704. This more than substantiates our original request.

In this case the reviewer inadvertently used the total current charges listed on the invoice, which is the total of all charges listed in the net amount column on the invoice, as a basis for the decision. Although it was unintentional on the part of the reviewer, this was an error that resulted in reduced funding for the District.

We believe that the reviewer should have contacted us for further explanation of this invoice. Had we been contacted we would have made it clear to the reviewer that a monthly E-Rate discount was being applied and subsequently reflected on this bill. The reviewer would then have used the proper figures to evaluate our request for future funding.

We request that our appeal to the FCC be granted based on a proper review of this invoice and that FRN# 349955 be fully funded as originally requested. We do not feel that the SLD operated in bad faith, but we do respectfully submit that the outcome needs to be changed in the public interest and in accordance with the objectives of the E-rate Program itself.

The District needs the funding, especially during this year of tight budgets for most schools. Loss of the full funds would adversely impact the students within the District.

Please contact me should you need any further information.

Sincerely,

A handwritten signature in black ink, appearing to read "Dawn Belden", written over a horizontal line.

Dawn L. Belden for Warwick School District

Certified Mail # 7003 2260 0004 4904 7512 Return Receipt Requested

Incl: Funding Commitment Decision Letter dated May 12, 2003
Appeal Letter Dated May 29, 2003
Item 21 Attachment
PenTeleData Invoice Dated February 1, 2003
Administrator's Decision on Appeal Dated April 12, 2004



Universal Service Administrative Company
Schools & Libraries Division

FUNDING COMMITMENT DECISION LETTER

(Funding Year 2003: 07/01/2003 - 06/30/2004)

May 12, 2003

*Appeal
FRN 941821*

WARWICK SCHOOL DISTRICT
DAWN BELDEN
133 N. State Street
Newtown, PA 18940

Re: Form 471 Application Number: 349955
Funding Year 2003: 07/01/2003 - 06/30/2004
Billed Entity Number: 125801
Applicant's Form Identifier: 471WARWICK6DB

Thank you for your Funding Year 2003 E-rate application and for any assistance you provided throughout our review. Here is the current status of the funding request(s) featured in the Funding Commitment Report at the end of this letter.

- The amount, \$44,452.80 is "Approved".
- The amount, \$15,384.00 is "Denied".

Please refer to the Funding Commitment Report on the page following this letter for specific funding request decisions and explanations.

NEW FOR FUNDING YEAR 2003

The Important Reminders and Deadlines immediately preceding this letter are provided to assist you throughout the application process.

NEXT STEPS

- Review technology planning requirements
- Review CIPA Requirements
- File Form 486
- Invoice the SLD using the Form 474 (service providers) or Form 472 (Billed Entity)

FUNDING COMMITMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Report for the Form 471 application cited above. The enclosed report includes a list of the Funding Request Number(s) (FRNs) from your application. The SLD is also sending this information to your service provider(s) so preparations can be made to begin implementing your E-rate discount(s) upon the filing of your Form 486. Immediately preceding the Funding Commitment Report, you will find a guide that defines each line of the Report.

TO APPEAL THIS DECISION.

If you wish to appeal the decision indicated in this letter, your appeal must be RECEIVED BY THE SCHOOLS AND LIBRARIES DIVISION (SLD) WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily discuss this appeal with us.

2. State outright that your letter is an appeal. Identify which Funding Commitment Decision Letter (FCDL) you are appealing. Indicate the relevant funding year and the date of the FCDL. Your letter of appeal must also include the applicant name, the Form 471 Application Number, and the Billed Entity Number from the top of your letter.
3. When explaining your appeal, copy the language or text from the funding synopsis that is at the heart of your appeal, to allow the SLD to more readily understand and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.
4. Provide an authorized signature on your letter of appeal.

If you are submitting your appeal on paper, please send your appeal to: Letter of Appeal, Schools and Libraries Division, Box 125 - Correspondence Unit, 80 South Jefferson Road, Whippany, NJ 07981. Additional options for filing an appeal can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We encourage the use of either the e-mail or fax filing options to expedite filing your appeal.

While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be RECEIVED BY THE FCC WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER. Failure to meet this requirement will result in automatic dismissal of your appeal. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use either the e-mail or fax filing options because of continued substantial delays in mail delivery to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Universal Service Support Mechanism. Applicants who have received funding commitments continue to be subject to audits and other reviews that the SLD and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. The SLD may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by the SLD, the applicant, or the service provider. The SLD, and other appropriate authorities (including but not limited to USAC and the FCC), may pursue enforcement actions and other means of recourse to collect erroneously disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division
Universal Service Administrative Company

A GUIDE TO THE FUNDING COMMITMENT REPORT

A report for each E-rate funding request from your application is attached to this letter. We are providing the following definitions for the items in that report.

FORM 471 APPLICATION NUMBER: The unique identifier assigned to a Form 471 application by the SLD.

FUNDING REQUEST NUMBER (FRN). A Funding Request Number is assigned by the SLD to each Block 5 of your Form 471 once an application has been processed. This number is used to report to Applicants and Service Providers the status of individual discount funding requests submitted on a Form 471.

FUNDING STATUS: Each FRN will have one of the following definitions:

1. An FRN that is "Funded" will be approved at the level that the SLD determined is appropriate for that item. The funding level will generally be the level requested unless the SLD determines during the application review process that some adjustment is appropriate.
2. An FRN that is "Not Funded" is one for which no funds will be committed. The reason for the decision will be briefly explained in the "Funding Commitment Decision," and amplification of that explanation may be offered in the section, "Funding Commitment Decision Explanation." An FRN may be "Not Funded" because the request does not comply with program rules, or because the total amount of funding available for this Funding Year was insufficient to fund all requests.
3. An FRN that is "As Yet Unfunded" reflects a temporary status that is assigned to an FRN when the SLD is uncertain at the time the letter is generated whether there will be sufficient funds to make commitments for requests for Internal Connections at a particular discount level. For example, if your application included requests for discounts on both Telecommunications Services and Internal Connections, you might receive a letter with funding commitments for your Telecommunications Services funding requests and a message that your Internal Connection requests are "As Yet Unfunded." You would receive one or more subsequent letters regarding the funding decision on your Internal Connections requests.

SERVICES ORDERED: The type of service ordered from the service provider, as shown on Form 471.

SPIN (Service Provider Identification Number): A unique number assigned by the Universal Service Administrative Company to service providers seeking payment from the Universal Service Fund for participating in the universal service support mechanisms. A SPIN is also used to verify delivery of services and to arrange for payment.

SERVICE PROVIDER NAME: The legal name of the service provider.

CONTRACT NUMBER: The number of the contract between the eligible party and the service provider. This will be present only if a contract number was provided on Form 471.

BILLING ACCOUNT NUMBER: The account number that your service provider has established with you for billing purposes. This will be present only if a Billing Account Number was provided on Form 471.

EARLIEST POSSIBLE EFFECTIVE DATE OF DISCOUNT: The first possible date of service for which the SLD will reimburse service providers for the discounts for the service.

CONTRACT EXPIRATION DATE: The date the contract expires. This will be present only if a contract expiration date was provided on Form 471.

SITE IDENTIFIER: The Entity Number listed in Form 471, Block 5, Item 22a will be listed. This will appear only for "site specific" FRNs.

ANNUAL PRE-DISCOUNT AMOUNT FOR ELIGIBLE RECURRING CHARGES: Eligible monthly pre-discount amount approved for recurring charges multiplied by number of months of recurring service provided in the funding year.

ANNUAL PRE-DISCOUNT AMOUNT FOR ELIGIBLE NON-RECURRING CHARGES: Annual eligible

non-recurring charges approved for the funding year.

PRE-DISCOUNT AMOUNT: Amount in Form 471, Block 5, Item 23I, as determined through the application review process.

DISCOUNT PERCENTAGE APPROVED BY THE SLD: This is the discount rate that the SLD has approved for this service.

FUNDING COMMITMENT DECISION: This represents the total amount of funding that the SLD has reserved to reimburse service providers for the approved discounts for this service for this funding year. It is important that you and the service provider both recognize that the SLD should be invoiced and the SLD may direct disbursement of discounts only for eligible, approved services actually rendered.

FUNDING COMMITMENT DECISION EXPLANATION: This entry may amplify the comments in the "Funding Commitment Decision" area.

FUNDING COMMITMENT REPORT

Form 471 Application Number 349955
Funding Request Number: 941783 Funding Status: Funded
Services Ordered: Telecommunications Service
SPIN: 143001370 Service Provider Name: D&E Telephone Company
Contract Number: MTM
Billing Account Number: 626-3700-0
Earliest Possible Effective Date of Discount: 07/01/2003
Contract Expiration Date: 06/30/2004
Annual Pre-discount Amount for Eligible Recurring Charges: \$66,864.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$66,864.00
Discount Percentage Approved by the SLD: 40%
Funding Commitment Decision: \$26,745.60 - FRN approved as submitted

Funding Request Number: 941791 Funding Status: Funded
Services Ordered: Telecommunications Service
SPIN: 143001210 Service Provider Name: National Telephone Exchange, Inc
Contract Number: MTM
Billing Account Number: 550068401
Earliest Possible Effective Date of Discount: 07/01/2003
Contract Expiration Date: 06/30/2004
Annual Pre-discount Amount for Eligible Recurring Charges: \$5,100.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$5,100.00
Discount Percentage Approved by the SLD: 40%
Funding Commitment Decision: \$2,040.00 - FRN approved as submitted

Funding Request Number: 941796 Funding Status: Funded
Services Ordered: Telecommunications Service
SPIN: 143000677 Service Provider Name: Verizon Wireless fka Cellco Part
Contract Number: MTM
Billing Account Number: 715563397-00001
Earliest Possible Effective Date of Discount: 07/01/2003
Contract Expiration Date: 06/30/2004
Annual Pre-discount Amount for Eligible Recurring Charges: \$3,936.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$3,936.00
Discount Percentage Approved by the SLD: 40%
Funding Commitment Decision: \$1,574.40 - FRN approved as submitted

Funding Request Number: 941803 Funding Status: Funded
Services Ordered: Telecommunications Service
SPIN: 143026181 Service Provider Name: T-Mobile USA, Inc.(fka VoiceStre
Contract Number: MTM
Billing Account Number: 170017666
Earliest Possible Effective Date of Discount: 07/01/2003
Contract Expiration Date: 06/30/2004
Annual Pre-discount Amount for Eligible Recurring Charges: \$5,052.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$5,052.00
Discount Percentage Approved by the SLD: 40%
Funding Commitment Decision: \$2,020.80 - FRN approved as submitted

FUNDING COMMITMENT REPORT

Form 471 Application Number: 349955
Funding Request Number: 941814 Funding Status: Funded
Services Ordered: Telecommunications Service
SPIN: 143001370 Service Provider Name: D&E Telephone Company
Contract Number: MTM
Billing Account Number: N/A
Earliest Possible Effective Date of Discount: 07/01/2003
Contract Expiration Date: 06/30/2004
Annual Pre-discount Amount for Eligible Recurring Charges: \$30,180.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$30,180.00
Discount Percentage Approved by the SLD: 40%
Funding Commitment Decision: \$12,072.00 - FRN approved as submitted

Funding Request Number: 941821 Funding Status: Not Funded
Services Ordered: Internet Access
SPIN: 143004441 Service Provider Name: PenTeleData Limited Partnership
Contract Number: C
Billing Account Number: 011443
Earliest Possible Effective Date of Discount: 07/01/2003
Contract Expiration Date: 06/30/2007
Annual Pre-discount Amount for Eligible Recurring Charges: \$38,460.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$38,460.00
Discount Percentage Approved by the SLD: N/A
Funding Commitment Decision: \$0.00 - Incl. svcs./ or product(s)
Funding Commitment Decision Explanation: 30% or more of this FRN includes a request for unsubstantiated charges which are ineligible per program rules.



Educational Consortium for
Telecommunications Savings

LETTER OF APPEAL

May 29, 2003

Letter of Appeal
Schools and Libraries Division
Box 125 – Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

Subject Appeal of Notice of “Funding Commitment Decision Letter” to Warwick
School District

Funding Year. 6 – 2003-2004
Applicant Name Warwick School District
Form 471 Number 349955
Billed Entity Number 125801
Contact Information. Dawn L. Belden
133 N State Street
Newtown, PA 18940
Voice Number 215-504-5457
Fax Number 215-504-5047
e-mail dbelden@e-rate-ects.org

Dear Reader

This letter is to timely appeal the SLD’s funding commitment decision not to fund FRN #941821 because “30% or more of this FRN includes a request for unsubstantiated charges which are ineligible per program rules ”

I am the contact person listed on 471 #349955 for Warwick School District and I am also representing them on this appeal We are requesting that the decision to deny funding of \$15,384 00 for FRN #941821 be reversed by the SLD and that the funding for this FRN be approved

The services covered by FRN #941821 are for monthly Internet access service and for monthly fiber connection services As you can see from the enclosed item 21 attachment, this FRN clearly refers to both monthly service requests.

During the review process we received a request from the SLD to provide documentation substantiating the Internet access service cost. We in turn submitted a bill that substantiated the entire request covered by FRN #941821. Since the bill referenced both services we circled the portions of the bill relevant to the Internet access cost, the 4 0Mb inet Bandwidth and the Etherpoint Xport 4Mbps. The Edu leased WAN Xport is the portion of the bill relating to the fiber connection service cost. The question by the reviewer was answered by our response.

The bill that we submitted does in fact substantiate the entire request covered by FRN #941821. It was an inadvertent error on the part of the reviewer not to consider both services covered in our item 21 attachment since the bill substantiated both services.

We believe that the spirit and intent of the E-rate Program and the specifics of our appeal more than justify our request. The monthly Internet access services and the fiber connection services covered by this FRN are very significant to the Warwick School District. Loss of funding for these expenses would cause considerable harm to the District and its students. Accordingly, we respectfully request that FRN #941821 be funded as requested.

Please contact me should you need any further information. A copy of the item 21 attachment for FRN #941821 and a copy of the bill for services are enclosed.

Sincerely,



Dawn L. Belden for Warwick School District
Certified Mail # 7002-3150-0000-7399-4284
Return Receipt Requested



Educational Consortium for
Telecommunications Savings

School District: Warwick School District

Item 21

Attachment 1

471# 349955

Entity # 125801

FRN # 941821

Service Provider PEN TELE DATA

Narrative Description FIBER LINES / INTERNET ACCESS

Quantity	Product or Service Description	Unit Cost	Extended Pre-discount Cost	
			Recurring	Non-Recurring
12	MONTHLY FIBER CONNECTIONS SERVICE	\$1200.-	\$14400	
12	MONTHLY INTERNET ACCESS SERVICE	\$2005.-	\$24060.-	
		TOTAL	\$38460.-	

All ineligible items have been removed from this funding request such as:

Maintenance Charges

Equipment Charges



Thank you for choosing PenTeleData

510 Delaware Avenue, Palmerton PA 18071 • 1-800-281-3564 • www.penteledata.net

Account Information

Account Name: Warwick School District
 Account Number: 011443
 Invoice Number: 3588544
 Invoice Date: 2/01/03

Summary

Previous Invoice Amount: \$15324.86
 Payment(s) Received, Thank you!: \$0.00
 Current Charges: \$2252.46
 Fees and Taxes: \$0.00

For: _____
 To: _____
 Payment Amount: _____
 Date Paid: ____/____/____ Check #: _____

Total Amount Due by 2/20/03 \$17577.32

For Billing information please contact the PenTeleData Billing Department at
 1-800-281-3564 between the hours of 8am and 5pm EST M-F, 9am and 1pm Sat
 E-mail: billing@ptd.net

E-mail Addresses

dpacker
 lwinkx
 phoberg
 pschert
 psnseng
 warbelib
 warhslib
 warjlib
 warhlib
 warlelib
 wartslib
 warsec

THANK YOU FOR CHOOSING
 PROLOG You're a click away from getting
 high quality continuing education. Check
 out ProLog University on www.ptd.net for
 more information.

Date From-To	Service Description	Qty	Base Amt	Discount Amt	Net Amt	Total
Current Charges:						
02/01/03 02/28/03	4.0Mb inet bandwidth	1	1500.00	600.00	900.00	
	Edu Access Dialup (Free)	12	0.00	0.00	0.00	
02/01/03 02/28/03	Etherpoint Xport 4Mbps	1	430.00	172.00	258.00	
02/01/03 02/28/03	Edu leased Wan Xport	1	1700.00	680.00	1020.00	
02/01/03 02/28/03	Equip Rent, Vendor Maint, S	1	74.46	0.00	74.46	
	up					
	Edu DName Hosting (Free)	1	0.00	0.00	0.00	
Total Current Charges						2252.46
Taxes and Fees:						
	Tax Amount	1	0.00	0.00	0.00	
		0	0.00	0.00	0.00	
Total Taxes and Fees						0.00
Total Charges This Month						2252.46

ATTENTION:

*** This account is past due. Please remit the amount due immediately. ***

PAST DUE NOTICE.

*** This account is past due. Please remit the amount due immediately. ***

ProLog customers...refer a friend and receive a free month of Internet Service.

SPECIAL ONLY TO PenTeleData/ProLog customers FOR A LIMITED TIME receive FREE installation of an ADT wireless home security system (\$350.00 value) Protect your family today. Call 866 EVERGUARD (426-2527) ext. 203

Attention: Any amount due remaining on the account after the due date will be assessed a late fee of 1.5%
 All billing disputes must be made within 30 days. PenTeleData will not honor postdated checks.



Please detach bottom portion and return with your payment
 in the enclosed envelope. Keep top portion for your records.

Check here to pay by credit card. Please fill out reverse side.



Write address change information below

Account Number: 011443
 Pay by this date: 2/20/03
 New Amount Due: \$17577.32

Amount Enclosed: \$

Makes check or money orders payable to PENTELEDATA. Please write your
 account number on your check. Please do not send CASH!

WARWICK SCHOOL DISTRICT
 301 W ORANGE ST
 LITITZ PA 17543-1814

0001793

PenTeleData Ltd. Ptr. 1
 PO Box 197
 Palmerton PA 18071





Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 2003-2004

April 12, 2004

Dawn L. Belden
Educational Consortium for Telecommunications Savings
133 North State Street
Newton, PA 18940

Re Warwick School District

Re	Billed Entity Number	125801
	471 Application Number	349955
	Funding Request Number(s)	941821
	Your Correspondence Dated	May 29, 2003

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision regarding your appeal of SLD's Year 2003 Funding Commitment Decision for the application number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day period for appealing this decision to the Federal Communications Commission ("FCC"). If your letter of appeal included more than one application number, please note that for each application an appeal is submitted, a separate letter is sent.

<u>Funding Request Number</u>	941821
Decision on Appeal.	Approved, funding reduced
Explanation	

- Based on your appeal letter and the supporting documentation, the funding request is approved with a reduction in the approved funding for the reason cited below.
- After a thorough review of the appeal letter and relevant documentation, we reduce the funding request to reflect the recurring pre-discount amount of \$2,252.46 as supported by the PenTeleData invoice dated February 1, 2003.

Since the Administrator's Decision on Appeal approves additional funding for your application, SLD will issue a new Funding Commitment Decision Letter to you and to each service provider that will provide the services approved for discounts in this letter. SLD will issue the Funding Commitment Decision Letter to you as soon as possible. The Funding Commitment Decision Letter will inform you of the precise dollar value of your approved funding request. As you await the Funding Commitment Decision Letter, you

may share this Administrator's Decision on Appeal with the relevant service provider(s). However, Forms 486 cannot be filed for the services covered by this appeal until you have received your new Funding Commitment Decision Letter.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company